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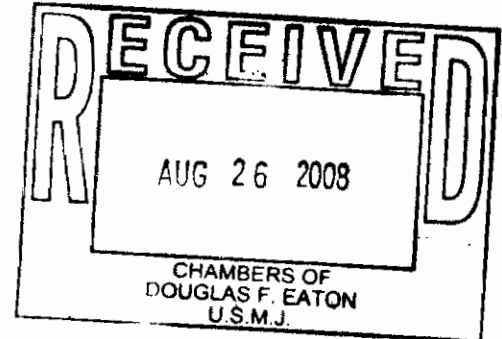
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MEMO ENDORSED

August 26, 2008

VIA FACSIMILE (212) 805-6181

Hon. Douglas F. Eaton
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007-1312



Re: DePaul Washington v. National Freight, Inc., et al.
Docket No.: **07 CIV 10336 (BSJ) (DFE)**
Our File: **6099.0001**

Honorable Magistrate Eaton:

We are defense counsel to National Freight Corp., and Joseph M. Boor, Jr., in the above-referenced action. We are writing to request an extension of time to complete fact discovery in this action from September 19, 2008, to October 31, 2008. I have discussed this request with plaintiffs' counsel, Scott Rynecki, Esq., and he has agreed.

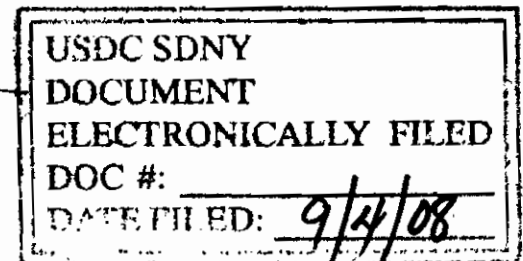
Depositions of the parties have been completed. We are seeking an extension of the deadline for fact discovery in order to conduct non-party depositions. It is our desire to travel to Virginia and conduct depositions of an eye-witness to the subject motor vehicle accident, as well as the State Trooper and paramedics that responded to the scene. Although we attempted to schedule these depositions for dates convenient to all counsel and within the current deadline, trial schedules have made it impossible.

The Scheduling Order directs that expert discovery be completed by December 19, 2008. This is progressing and we anticipate completion of such discovery in compliance with the existing Order.

9/4/08 - I grant this request.

Douglas F. Eaton

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In the event that there are any questions, please do not hesitate to contact me at the number below.

Respectfully submitted,



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/MJM
114224.1

cc: Scott Rynecki, Esq. *Via facsimile (718) 522-3804*
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